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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,990	01/30/2001	Anna Pia Slothower	PALM-3559.US.P	4362

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EXAMINER

NGUYEN, JENNIFER T

ART UNIT

PAPER NUMBER

2674

DATE MAILED: 09/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,990

Applicant(s)

SLOTHOWER ET AL.

Examiner

Jennifer T Nguyen

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract exceeds 150 words in length.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 16 are 18-20 are rejected under 35 U.S.C. 102(e) as being unpatentable over Aroyan et al (U.S. Patent No. 6,163,313).

Regarding claim 16, referring to Figures 3 and 5, Aroyan teaches a display assembly for a portable electronic device comprising: a flat panel display screen (105)(i.e., touchscreen)(col. 9, lines 4-9); flat panel, clear, resistive digitizer mechanism (205) disposed over said flat display screen (105); and a bezel-less cover film (215)(i.e., flexible film) disposed over a top surface of said digitizer mechanism (205) wherein said cover film(215) and said top surface combine to form a single mechanical structure and wherein mechanical deflection of said cover film can be used to activate said digitizer mechanism (205)(col. 8, lines 31-49, col. 9, lines 4-42, col. 11, lines 7-42).

Regarding claim 18, Aroyan teaches the digitizing element of said digitizer mechanism is a resistive type digitizing element (col. 8, lines 31-49).

Regarding claim 19, Aroyan teaches the cover is a soft thermoplastic outer film (215)(i.e., polycarbonate)(col. 11, lines 15-19) that is coupled to said top film of said digitizer mechanism (205).

Regarding claim 20, Aroyan teaches the soft thermoplastic film (215) has sufficient deflection under external pressure to activate said digitizer mechanism (205)(col. 11 of Aroyan, lines 15-19).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5 and 7-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aroyan et al (U.S. Patent No. 6,163,313) in view of Donohue et al (U.S. Patent No. 6,262,717).

Regarding claims 1 and 9, referring to Figures 3 and 5, Aroyan teaches an integrated enclosure/touch screen assembly comprising: a display mechanism (105)(i.e., touchscreen); a digitizer mechanism comprising a top film (215)(i.e., flexible film) and a resistive digitizing element (205)(i.e., resistive layer)(col. 8, lines 31-49, col. 9, lines 4-42); and a single piece cover (210)(i.e., cover sheet) for said touch screen (105) assembly disposed over said top film (215) of said digitizer mechanism to allow mechanical transfer between said single piece cover and said digitizer mechanism, wherein said resistive digitizing element (205) can be activated by mechanical pressure applied to the external surface of said single piece cover (210)(col. 1, lines 43-54, col. 11, lines 7-42).

Aroyan differs from claims 1 and 9 in that he does not specifically teach a single piece cover enclosure for the touch screen assembly. However, Donohue discloses a single piece cover enclosure for the touch screen assembly (Fig. 2, col. 8, lines 12-53, col. 14, lines 34-40, and see abstract section). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the single piece cover enclosure for the touch screen assembly as taught by Donohue in the system of Aroyan in order to provide a waterproof and dust free environment for the touch screen.

Regarding claims 2 and 17, the combination of Aroyan and Donohue teaches the single piece cover enclosure is constructed using in mold decoration (Fig. 2 of Donohue, col. 8, lines 12-53, col. 14, lines 34-40).

Regarding claims 3 and 10, the combination of Aroyan and Donohue teaches a soft thermoplastic outer film (i.e., polycarbonate)(col. 11 of Aroyan, lines 15-19) is coupled to said top film of said digitizer mechanism by in mold decoration to form said single piece cover enclosure (Fig. 2 of Donohue).

Regarding claims 4 and 11, Aroyan further teaches finger pressure on the external surface of said single piece cover enclosure can be used to activate said digitizer mechanism (col. 1 of Aroyan, lines 43-54).

Regarding claims 5 and 12, Aroyan further teaches wherein stylus pressure on the external surface of said single piece cover enclosure may be used to activate said digitizer mechanism (col. 1 of Aroyan, lines 43-54).

Regarding claim 6, the combination of Aroyan and Donohue teaches wherein said single piece cover comprises a mylar polycarbonate material (col. 7 of Donohue, lines 35-40).

Regarding claims 7 and 14, Aroyan further teaches the soft thermoplastic film has sufficient deflection under external pressure to active said digitizer mechanism (col. 11 of Aroyan, lines 15-19).

Regarding claims 8 and 15, the combination of Aroyan and Donohue teaches the single piece cover enclosure for said display mechanism and said digitizer mechanism is constructed with a flat outer top surface free of any indentation (Fig. 2 of Donohue).

Regarding claim 13, Aroyan further teaches the digitizing element of said digitizer mechanism is a resistive type digitizing element (col. 8, lines 31-49).

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Primm (U.S. Patent number 5,554,828) teaches integration of pen.

Chan et al (U.S. Patent number 5,995,084) teaches touchpad pen input.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jennifer T. Nguyen** whose telephone number is **703-305-3225**.

The examiner can normally be reached on Mon-Fri from 9:00-5:30.

Art Unit: 2674

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reach at **703-305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to: 703-872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, sixth-floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703-306-0377.

Jennifer T. Nguyen
Patent Examiner
Art Unit 2674



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600